

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**MOTION TO ASCERTAIN STATUS OF
DEFENDANT AUSTIN PEAY STATE UNIVERSITY'S MOTION TO DISMISS**

Defendant Austin Peay State University (“APSU”), by and through the Office of the Attorney General, files this Motion to Ascertain Status, pursuant to Local Rule 7.01(c).

Defendant APSU moved to dismiss the First Amended Complaint, which sought a full and complete dismissal of Plaintiff's claims against it. (Doc. No. 56.) APSU's Motion was fully briefed and complete on August 4, 2022. (Doc. No. 61.) Pursuant to the Order of the Court (Doc. No. 41), this case currently is set for a jury trial to begin on September 26, 2023. The Modified Joint Case Management Order set the dispositive motions deadline to March 17, 2023. (Doc. No. 40.) Due to the upcoming dispositive motion deadline, the Defendants filed a Motion to Ascertain Status (Doc. No. 78), which was granted by this Court. (Doc. No. 80.) In its decision, the Court gave the Defendants¹ permission to file a motion requesting an extension of the dispositive motion deadline. (*See id.*) The Parties then filed a Joint Motion for Extension of the Dispositive Motion

¹ This Court previously granted the Individual Defendants' Motion to Dismiss. (Doc. No. 85.)

Deadline, seeking an extension of the March 17, 2023 deadline to May 17, 2023. (Doc. No. 82.)

This Court granted the Motion, and the current dispositive motion deadline is May 17, 2023.

APSU understands that the Court has a large docket, with many dispositive motions before it, as well as a large number of criminal cases, which of course, take precedence over civil cases. (Doc. No. 80.) However, since the dispositive motion deadline date is imminent, APSU respectfully requests permission to file a second motion for extension of the dispositive motion deadline, to extend the current deadline through June 16, 2023.

For the foregoing reasons, APSU respectfully requests to ascertain the status of its Motion to Dismiss. APSU submits that a ruling on the outstanding Motion may obviate the need for further efforts by the Court or the Parties in this matter or, alternatively, may narrow the issues for summary judgment.

Respectfully Submitted,

**JONATHAN SKRMETTI
ATTORNEY GENERAL AND REPORTER**

s/ Toni-Ann M. Dolan

Toni-Ann M. Dolan, BPR # 040020

Assistant Attorney General

Valerie M. Stoneback, BPR #040383

Assistant Attorney General

E. Ashley Carter, BPR # 027903

Senior Assistant Attorney General

Education and Employment Division

P.O. Box 20207

Nashville, Tennessee 37207

615-741-6739

toni-ann.dolan@ag.tn.gov

valerie.stoneback@ag.tn.gov

ashley.carter@ag.tn.gov

Attorneys for Defendant APSU

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion to Ascertain Status of Defendant Austin Peay State University's Motion to Dismiss was filed electronically and served through the ECF system on this 2nd day of May, 2023 to:

James Edwards, Esq.
Attorney at Law
Corley Henard Lyle Levy & Langford
177 East Main Street
Lancaster Bldg. Ste 4
Hendersonville, TN 37075
lawyerjim41@gmail.com

Attorney for Plaintiff

Parties may access this filing through the Court's electronic filing system.

s/ Toni-Ann M. Dolan
Toni-Ann M. Dolan